



**Economic and Social
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E/CN.4/2002/NGO/93
31 January 2002

ENGLISH, FRENCH AND
SPANISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 15 of the provisional agenda

INDIGENOUS ISSUES

Joint written statement* submitted by Centre Europe - Tiers Monde (CETIM), a non-governmental organization in general consultative status, and the American Association of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



GE. * 2 0 0 2 0 1 0 5 6 2 *

ENG

The situation of displaced persons due to the war in Chiapas: the actual case

Since 1995, military and paramilitary presence and actions in Chiapas' Indigenous communities has led entire communities to leave their homes and to live in make-shift camps where survival is increasingly difficult. The massive exodus from the municipality of Chenalhó in Los Altos de Chiapas is one of the more serious examples. After the massacre of 45 people by the paramilitary on December 22, 1997, many families living in this municipality left their homes and their lands, afraid of another massacre. Almost 8.000 displaced persons settled in 8 different camps in the town of Polhó where they have remained ever since, fearing further attacks by the paramilitary who still maintain a presence and act with impunity.

The complete loss of the means of production for basic foodstuffs is one of the most suffocating problems affecting the displaced persons since, in the current living conditions, they are unable to provide the basic necessities. Basic foodstuffs (corn and beans) hardly exist and the little national and international aid provided can hardly feed the refugee population. The fear of general starvation is increasingly real and immediate.

The 8.000 refugees in Polhó come from the following communities: Los Chorrros, Yabteclum, Puebla, La Esperanza, Acteal, Nueva Aurora Chica, Tulantic, Santa Marta, Chimix, Pechiquil, Yaxhemel, Tachquil and Tzajalkum. Polhó's population is organized in 8 camps, each camp is composed of approximately a thousand people grouped according to place of origin.

The displaced persons live in extreme poverty. They survive in wooden houses with corrugated metal roofs and a poor sanitary system. Malnutrition, gastrointestinal infections, respiratory and urinary infections, diarrhea, and parasitism are a short-term menace.

Agriculture was the main activity in the refugee camps of Polhó: basic foodstuff cultivation (corn, beans, pumpkins, etc.) as well as coffee cultivation for trade. Abandoning their lands, the refugees have lost their possession and the possibility to produce their own food.

Furthermore, it is important to mention some factors that, in the current political context, make it increasingly difficult for the refugees living in Polhó to return to their homes. The return of the Las Abejas group to their lands during the second half of 2001 was presented as a great achievement by the federal and state administrations. The official version is that the situation of displaced persons has improved radically. For the Las Abejas group, victims of the Acteal massacre, they returned home because they could not endure the conditions as displaced persons. Moreover, they noted that it was a «return without justice» because those guilty of the massacre are free and the paramilitary is still present in communities.

In addition, the release last November of six paramilitaries responsible for the Acteal massacre proves to the displaced persons, and the Las Abejas group, that impunity continues. For them, the risk of new violent actions persists.

Due to the situation mentioned above, the displaced persons living in Polhó have depended on national and international humanitarian aid for survival since 1998. The European Union, through the International Committee of the Red Cross (ICRC) has provided them with basic foodstuffs until the middle of 2001. The ICRC provided every two weeks each displaced family with a sufficient amount of beans, corn, sugar, oil, salt and soap. However, the ICRC provisions have been reduced by half.

The Actual Case and the Paramilitary

The release of six paramilitaries involved in the Acteal massacre, confirms the failure of penal process overseen by the Procuraduria General de la Republica (PGR), a process implemented to prove the responsibility of the paramilitaries involved. It had previously failed in its attempt to start proceedings against members of Paz y Justicia, released a few weeks after their detention.

To think that those responsible for the Acteal massacre were released because the judge did not properly evaluate the evidence is not, in this case, very credible because at the same time that six people were acquitted, 34 were found guilty. Consequently, if the judicial process wanted to grant immunity to all, it would have released all of them. This decision will most likely be appealed.

The release of the paramilitaries is going to have a dangerous impact in the area of Chenalhó, as was the case in the northern zone, because the paramilitary come out victorious, showing their impunity. Basically, the peace promoted by the State government of Chiapas is based on money and is very weak. The community reconciliation process, supported by Governor Pablo Salazar, is based on economic reparations and supports agricultural production without re-establishing justice and punishing the paramilitary.

Punishment of paramilitary groups in Chiapas requires that the PGR conducts extensive investigations and prosecutes not only those who directly participated in the crimes, but those implementing, supporting, and financing the paramilitary. The State government must also provide evidence, not only when dealing with criminal offences in its jurisdiction, but also assisting the PGR in its investigations.

Reconciliation

As mentioned above, paramilitary groups that operate in Chiapas have not been seriously challenged — it is the responsibility of the State government. It must fight against crimes committed by Paz y Justicia, where the majority of cases can be officially persecuted. Albeit, the new government cleanses its hands, stating that the prosecution of paramilitary groups is the responsibility of the Procuraduria General de la Republica. In fact, when we address this issue, we are told that the State government is doing nothing in this matter, that it is not investigating criminal offences, it does not collaborate with federal delegates, and shows no intention of punishing Paz y Justicia.

The impunity that benefits Paz y Justicia is based within the context of reconciliation promoted by the State government. It acts in the same way as in the northern zone, giving victims money and the means for agricultural production enticing them to return to their lands, and publicizing this event as a result of a community-based reconciliation. Subsequently, impunity is granted to the paramilitary for its serious crimes.

The peace process promoted by Pablo Salazar is not a lasting one. It is based on monetary compensation, not justice. It will last as long as there is money.

In light of the above, we urge that the following recommendations be respected:

- The full and immediate observance of the San Andrés Agreements, and the continuation of the dialogue process and negotiations between the EZLN and the federal government.

- Respect for the COCOPA project on constitutional reforms.
- Ending militarization and paramilitarization (return of the army to its quarters and disarmament of paramilitary groups).
- Guaranteed access to justice and promotion of the struggle against impunity supported by all global actions, not just symbolic ones.
- Immediate amnesty for political prisoners.
- Return of displaced persons to their home communities, restitution of all their goods, and compensation for damages and injustice incurred.
- Strengthening Mexican organizations promoting human rights and guaranteed presence of international organizations, including the recognition of international observer status.
- The intervention of the International Committee of the Red Cross ensuring humanitarian aid due to the refusal of Mexican institutional organizations to do so.
- The designation of a Special Rapporteur of the Commission on Human Rights on the situation of human rights in Mexico
- The establishment by the European Union of a follow-up mechanism to support the «democratic and human rights clause» which would allow for the permanent verification of the human rights situation in Mexico in the context of the «economic association, political coordination, and cooperation agreement» signed with Mexico. This mechanism should integrate different Mexican and international social organizations promoting human rights.



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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 6 of the provisional agenda

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF
DISCRIMINATION**

Written statement* submitted by the Organization for Defending Victims of
Violence (ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Islamophobia in Europe and North America

1 – The World Conference Against Racism was a unique opportunity for the international community once again to show its political determination for the fight against the awful phenomenon of racism, racial discrimination and xenophobia. The Organization for Defending Victims of Violence (ODVV) participated at this conference actively and due to the importance of the Durban follow-up, would like to point out the following issues:

2 – Regarding xenophobia, we request the Commission on Human Rights to pay particular attention to the problem of “Islamophobia” and we call upon the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to give appropriate attention to the problem of Islamophobia in Europe and North America, specially towards the Muslim community in those regions. It seems it is necessary for the Special Rapporteur to prepare a report on “Islamophobia” and the conditions of the Muslim community in Europe and North America – in particular about post-“September 11” incidents - for the Commission on Human Rights. Without a shadow of a doubt, terrorism in all shapes and forms is condemned and the international community must seriously fight a multilateral battle to eradicate this evil phenomenon. However, this subject matter is totally different from the conditions of migrant workers who with thousands of dreams and hopes are working in European countries, are constantly being harassed and oppressed for their religious beliefs.

3 – The Organization for Defending Victims of Violence has received a number of reports and would like to bring these cases to the attention of the Commission on Human Rights. On 26 September and 4 October 2001, Amnesty International reported a wave of racist attacks against individuals because of their appearances or religious beliefs. It seems that after September 11, a racist trend – which encourages xenophobia – has started. In northern Europe, North America and other parts of the world Muslims, Arabs and even Sikhs have been the targets of physical attacks and even shot at. A number of mosques have been bombed. A number of shops have been looted and even the closure of a school was reported. In all of these cases, most of the reports received have been of migrant workers or people who are in European countries and North America seeking asylum. Also, these discriminations include discrimination at workplace towards Muslims. Some of the media use “Islamophobia” in their presentation of the news and reports; even the Internet has not been spared of this kind of negative propaganda.

4 - The Organization for Defending Victims of Violence believes that governments should take necessary steps towards the prevention of racist actions against Muslims, Asians and Middle-Eastern people, whether they are nationals of those countries or foreigners. In any case these governments cannot speak of freedom and at the same time ignore the violated rights of the minorities living in their countries. The Organization for Defending Victims of Violence while condemning the terrorist attacks of September 11, believes that according to the principles of the Universal Declaration of Human Rights and the International Convention for the Elimination of All Forms of Discrimination, the human rights of people should not be overlooked or neglected due to their skin colour or religious beliefs.



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THE RIGHT TO DEVELOPMENT

Written statement* submitted by the Organization for Defending Victims of
Violence (ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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submitting non-governmental organization(s).



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The Right to Development

1 – The Organization for Defending Victims of Violence (ODVV), that campaigns for the promotion of a non-violence culture, believes that the principles of this violence-free culture is interrelated with the realization of all human rights, and in this relation the Organization particularly stresses on the realization of the right to development.

2 – The ODVV states that for over half a century, the United Nations documents as well as the experts have all stressed the important link between the right to development and the realization of all human rights. The pinnacle of these activities was the adoption of the Declaration on the Right to Development in 1986 which states that “the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.” It must be taken into consideration that human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development. That’s why the governments should do their utmost to eradicate poverty through a rights-based approach.

3 – The ODVV is proud to inform that for the first time in the history of Iran, during the Human Rights Day Conference, which was organized by eleven NGOs in Tehran, the right to development was identified as one of the work topics and on this issue a workshop was set up by one of the NGOs. The participants of this workshop came to the conclusion that everyone must work hard for promoting the right to development and that the workshop should carry on its work during the year so that in 2002, on Human Rights Day (11 September 2002) it can present a full report of the realization of the right to development in our country.

4 – The ODVV believes that the subject of sustainable development should be seriously discussed in this September’s Sustainable Development Conference in Johannesburg. The organization therefore calls upon the Commission on Human Rights to prepare a special report of the relevant working group to present at the conference. This report may contain a review of the past activities of the Commission on Human Rights for the promotion of the right to development, measures taken by the States for the implementation of Declaration and activities of the UN agencies, the World Bank and the International Monetary Fund. The ODVV also requests the main partners of the right to development – i.e. the United Nations Development Group consisting of UNDP, UNICEF, UNFPA, WFP, ILO, World Bank and IMF – to pay particular attention to the realization of the right to development and to discuss and pursue this issue during the Earth Summit..



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SPECIFIC GROUPS AND INDIVIDUALS

Written statement* submitted by the Organization for Defending Victims of
Violence (ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
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Situation of Refugees in France

1. Over the past years, the European Union has given a special priority to the issues of migration and asylum. In 1999, the Treaty of Amsterdam entered into force which gave more powers to the European Union institutions regarding the resolution of migration and asylum problems. It was in Tampere European Council that the governments reconfirmed their commitments made under the Treaty of Amsterdam. Just recently, a European Conference on Migration was held in Brussels in October 2001, which not only discussed the consequences of the terrorist attacks in the United States of America on migration policies, but also tried to have a look at the different migration policies of EU members.
2. In this atmosphere, on the last days of 2001, it was reported that hundreds of refugees living in an overcrowded Red Cross center on the English Channel coast decided to pass the 31-mile channel tunnel on 26 December 2001, which was ended with clouds of tear gas as police dispersed the refugees and arrested a number of them in the tunnel. Dramatic footage shown on French television from tunnel security cameras showing a game of fox and hounds between the French police and the asylum-seekers played out in the yellowish-brown light of the security lamps. This incident highlighted the fate of about 1,300 Iraqi Kurds, Afghans, Iranians and Africans refugees holed up indefinitely in Sangatte (northern French village). It has been reported that a court in Boulogne gave four refugees who broke down security fences, four-month jail sentences for "mass destruction of property and entering France illegally". It was more of a protest movement, said the spokesman, François Borel. "They wanted to attract attention to the situation in the detention camp, situated in Sangatte.
3. It seems that there are restrictive policies towards asylum-seekers in France. Just in 2000, France played host to about 26,200 refugees and asylum seekers in need of protection, from which, 5185 individuals were granted asylum in that year and an estimated 21,000 asylum seekers remained with pending applications and no response from authorities.
4. The reason why the refugees would like to continue to reach Britain is its relatively liberal asylum laws and dreams of new homes and jobs. Some refugees claim that they have families or friends in the United Kingdom. Some asylum-seekers are educated professionals desperate for a better life. That's why they are even ready to pay smugglers fees of anything between \$25,000 to \$40,000 to get out of France for another country.
5. The Organization for Defending Victims of Violence (ODVV) expresses its concern over the fate of these refugees in France and requests the officials to take necessary measures to study their situation as soon as possible. It seems a reform is needed in France's restrictive interpretation of its obligations under the Refugee Convention. We would like to draw the attention of the European countries to Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights about the free movement of the people as well as the humanitarian principles embodied in the Convention and Protocol on the Status of Refugees and the European Convention on Human Rights and Fundamental Freedoms and UNHCR Executive Committee Conclusions that the host countries should make greater and harmonized efforts to integrate refugees and their families in the labor market, and give more value to the contribution that they make to the European societies.



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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by the Organization for Defending Victims of
Violence (ODVV), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

***This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).**

1 - Twenty-two years of war in Afghanistan, in addition to the collapse of all the social and economic structures, has imposed an aggressive spirit of violence on the present generation in this country. The war has become a pattern of life and behavior for war-generals and the war methods have replaced the education of the new generation.

2 - The war has produced many women, children and civilian victims. The five-year rule of the Taleban regime in Afghanistan was an unbelievable oppression, which had made the lives of the Afghan people unbearable. Religious tensions, ethnic genocide and cleansing, extreme restrictions imposed on women and confiscation of property were all recognized and visible policies towards the oppressed people of Afghanistan.

3 - In fact, the Taleban was the first group in Afghanistan who extensively violated human rights and international laws. This regime murdered more than ten thousand Hazara civilians in Mazar in 1998 and Bamyan province and Yakawalang district (2000) and thousands of civilians in Kiassar (1998) and many in Takhar (1999), among them we can mention the genocide of civilians in Qazzal-abad. The Amnesty International reported "in September (1997) about 70 civilians, including women and children, were deliberately and arbitrarily killed by armed guards in Qezelabad village near Mazar-e Sharif. Survivors said the massacre was carried out by *Taleban* guards retreating from positions they had captured in the area, but *Taleban* officials denied responsibility for the killing. All of the victims reportedly belonged to the Hazara minority. Among the victims was a boy aged about eight who was reportedly killed and decapitated; other victims reportedly had their eyes gouged out with bayonets. Two boys aged about 12 were reportedly held by the guards and had their arms and hands broken with stones." Thousands of shops and homes were burned down in these regions. The "scorched earth" policy was the most common method used against the Tajik, Hazareh and Uzbek tribes in the attempt of destroying them physically and emotionally.

4 - The Taleban was not only against the people of Afghanistan, but it was also against all international organizations and the international community including its neighbouring countries. This regime had turned Afghanistan into a centre for training terrorists, drugs production and trafficking, murder and violence and seriously threatened the fundamental and basic human rights of the Afghan people by force and mass murders. This factor had produced a new wave of refugees seeking safety in Iran.

5 - Afghanistan has, thanks to the support of the international community started a new wave of resistance against oppression. This is a historic move towards the provision of human rights to women, the observance of human rights and the realization of democracy, peace and freedom.

6 - It is necessary for us to mention the significance and vital key role NGOs play in the Afghanistan and point out the following:

- Working inside Afghanistan to encourage and guide in conjunction with approved countries in the reconstruction of the country.

- Help to enlighten the public mentality for the purpose of more understanding for finding solutions for the Afghan people's problems, which includes the partnership of the people and the international community in the reconstruction of the country.

- Collecting and exchanging information and experiences between NGOs in particular with Afghan NGOs and strengthen their capabilities.

- ~~The direct and planned~~ participation in the reconstruction and development of education, cultural activities, health services, construction measures, etc.

7 - The role and task of NGOs in Afghanistan is very extensive. But in setting suitable priorities in relation to the present conditions in the country the following must come first:

- The problem of refugees and displaced persons and the necessity for the organization of their repatriation and making use of their expertise, experiences and financial capacities;
- Special attention to children's health, nutrition and education;
- The issues related to the women and children as the most vulnerable social groups in Afghan society;
- Special attention to the cultural issues of the country, and assistance to the development of media and other educational and cultural institutes;
- Attention to the urgent needs of the Afghan people, the primary infrastructure for sustainable development, and prompt provision of aid to various parts of the country should be made.

8 - We think that the duty of the non-governmental organizations is to assist the Afghan society, the people, the NGOs, and the State of Afghanistan in their way for realization of a sustainable development, creation and empowering of a civil society, and regulating the citizenship laws disregarding any ethnic, religious, language or regional differences.

9 - The guarantee for the implementation of the civil laws based on citizen's rights can be the historical memory, the sufferings of the people and intellectual maturity of Afghan society, especially refugees and also, the existence of active, informed and organized civil bodies related to the international networks of non-governmental organizations. It is clear that Afghan non-governmental organizations should show their talents and merits for such efficient role as a replacement for the previous traditions bodies.

10 - Also, from the sociological point of view, the efficiency of the non-governmental organizations as the pioneers of the realization and strengthening of civil society, leads to this fact that the existing great and active ethnic, religious and language gaps will be filled and Afghanistan can come out of the existing critical state, and instead, such differences in this society become sources of pluralism. As a general rule, such pluralism is reflected among the cultural and intellectual thinking of the young generation and can be regarded as a new era in the legal and political structure of this country.

11 - We take this opportunity and declare that as a non-governmental organization, which defends victims of violence, has started a project to establish a rehabilitation centre for victims of violence in Afghanistan. We hope that this project will be fulfilled with the cooperation of Afghan NGOs and international organizations.



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COMMISSION ON HUMAN RIGHTS
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Item 12 of the provisional agenda

**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE
GENDER PERSPECTIVE**

Written statement* submitted by the Organization for Defending Victims of
Violence (ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
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1 - As we in the Organization for Defending Victims of Violence believe that all human beings are born free and equal and their dignity should be respected, and also, based on this fact that the prosperity of each society can be realized through the participation and cooperation of men and women of that society, and this can not be achieved unless discrimination against women is eliminated, we are pleased with the positive step taken by the government of the Islamic Republic of Iran by taking the necessary measures towards ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) with a general reservation. The proposed bill will soon be discussed in Iranian parliament and will be decided by the Guardian Council at the end.

2 - With this fact that men and women have natural differences, we believe that the discrimination against women cannot be tolerated and therefore, ratifying the Convention on the Elimination of All Forms of Discrimination against Women can be regarded as a positive step for reforms in the laws regarding women, in a world, where the role of women as the main part of the sustainable development has been ignored. That's a fact too that the women's struggle for the realization of their rights needs encouragement and serious increased support at the national and international levels. That's why the political will of the international community is a necessary requirement for removing the obstacles in the way of elimination of discrimination against women.

3 - We believe that the endeavours for the correction of old customs and clichés of the preset and predefined duties of men and women, without taking into consideration the new conditions, emphasis on the share of women in the provision of welfare for the family and the development of society and creating equal opportunities for scholarship programs are all most important initiatives for the elimination of commonplace cases of discrimination against women in our society. Although by ratifying a convention, the status of women in a country does not change quickly, the best approach should be a basic change in the dominating attitudes of the society toward the women. However, the ratification of this Convention can end in reviewing the existing laws regarding women and a possible change in priorities and policies in the field of women issues may happen, it is hoped that this will create the basis for the improvement of women's conditions in Iran.

4 - As a non-governmental organization and a civil institution, the Organization for Defending Victims of Violence, being inspired from people's ideals, recognises NGOs' role as the main partners for the purpose of the CEDAW's promotion in the country. The organization sincerely hopes that by ratifying the Convention, the Islamic Republic of Iran will take the necessary measures for reforming certain laws for the purpose of the elimination of discrimination against women.



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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 12 (a) of the provisional agenda

**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE
GENDER PERSPECTIVE:
VIOLENCE AGAINST WOMEN**

Written statement* submitted by the Organization for Defending Victims of
Violence (ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

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ENG

1 – In the early years of the 21st century we shall be pleased to see the increased awareness and commitments for the prevention and fight against violence against women and girls in various societies and governments' attempts to reform their policies; this is an achievement that interdepartmental mechanisms, national guidelines and policies dealing with violence against women, particularly for young girls, are taking shape.

2 – The daily increase in awareness regarding all forms of violence against women and the classification and the analysis of the causes can be seen as a positive step towards the elimination of violence against women. We are witnessing an increase of recognition of this problem and the attention of governments and civil societies towards the subject of violence, and we are pleased to hear about improvements in the provision of services to women and young girls as victims of violence. These have been reported in the final document of the Beijing + 5.

3 – The truth however is that there are obstacles on the way, and just a glancing recognition is not enough to get rid of the problem. Essential attempts should be made for the elimination of violence and the in-depth identification of its causes and roots. It seems that special attention should be paid upon to the dominant attitude about forms of domestic violence that are mostly considered as private issues. This attitude should be changed and these acts of violence should be regarded as violence against women. It is a fact that the synergic consequences on society as a whole would be much more than the consequences on an individual basis.

4 – The trafficking in women, domestic violence and other forms of violence against women are common pains of the various societies. Appropriate measures should be foreseen and adopted for elimination of violence nationally and internationally; and we as an NGOs request for joint cooperation of governments and civil societies towards this process.

5 – As a result of research and studies here in Iran, we have reached to this significant conclusion that, if "violence against women" can be regarded as a 'health priority' by the Ministry of Health, Treatment and Medical Training, Budget and Planning Organization, Centre for Women's Participation and Welfare Organization, then the government can adopt nation-wide preventive and informative interdepartmental measures and policies that can be implemented through the powerful existing health network (health centres) in Iran.

6 – As you are well aware the Special Rapporteur on Violence Against Women of the Human Rights Commission of the UN prepared comprehensive reports since 1994 that were focused on different forms of violence against women. It seems that it is necessary to look back at these reports, since a lot of literature have been produced during the past years (after Beijing and Beijing + 5). It can be suggested that, under the present conditions, these reports can be reviewed and new in depth reports on forms of violence against women can be drafted especially in cooperation with the non-governmental organizations that have become active in this field and based on the national mechanisms that have been shaped after Beijing Conference.



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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 11 of the provisional agenda

CIVIL AND POLITICAL RIGHTS

**Written statement* submitted by the Organization for Defending Victims of Violence
(ODVV), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

1 - Today, a major concern of the world community is the issue of violation of human rights and fundamental freedoms that are particularly committed by governments or governing regimes against their own citizens, and finding ways and solutions to guarantee the rights of. From one part, in today's society, thanks to the formation of the United Nations after the end of World War II and based on the United Nations Charter, a collection of rights has been defined and accepted regardless of the difference in governing regimes which binds them to adhere and respect these fundamental human rights. From the other part, human rights has a special place in all of religions, in particular Islam; and if we look at the teachings and preaching of all the religions in a general way we'll see that they have an effective role in promoting natural rights on which today's human rights are based on. The dignity of human being is something emphasized by the religions and all endeavours of prophets and religious thinkers have been focused on this fact the human values and ethics should be developed and have a done a great deal in the process of realization of human rights (in interactions of individual with him- or herself, with nature, with society, with government and with global atmosphere).

2 - The development of laws, institutions and procedures concerning the protection of human rights in current times with the expansion of NGOs that are active in human rights, have a neck-to-neck connection. Most of the declarations and resolutions concerning human rights emphasize on the significance of the role of NGOs and their effectiveness. NGOs, as human rights defenders, by providing information and recommendations, proposals and discussions, have contributed a lot to the realization and defence of human rights. The NGOs' role in the support and development of human rights should be considered in two ways: 1. as pressure groups to the governments of their own countries, or by presenting information at the international level that expose the facts and cases of violations of human rights to monitoring systems; 2. advocacy and training activities, campaigns and events for the purpose of promoting human rights and encouraging the States to ratify international instruments for the improvement of the human rights situation. The Organization for Defending Victims of Violence tries to pay attention to the role that it can play as a non-governmental organization and gives an increased significance to the freedom of expression.

3 - This organization in its short history - full of ups and downs, has been able to play an effective role in the realization of the human rights of Iranian citizens, and it has also had worked hard for monitoring human rights violations in the different countries and also in Iran. With attention to the reasons and objectives of its establishment, and with a belief that violence should be eliminated and by observing the fact that the best defence against violence is by preventing it, this organization firmly believes that people should live in a society where all their rights are observed so that violence does not take place. Therefore, the significance of the primary activities of the organization is firmly based on the move towards the realisation of human rights and fundamental freedoms.

4 - Throughout the year 2001, there were certain violations of human rights that have been occurred while also at the same time there were certain improvements which should be encouraged and welcomed. Some of the most significant cases can be summarized as the arrests of political and press activists, the closure of publications and the method of their prosecution, the arrest of one of the deputies of the Parliament. The ODVV has issued certain statements on these cases and has reminded the related authorities about the obligations of Iranian government under the international human rights law. Also, some of the main issues that were pleasing and welcomed by the civil society have been certain reforms that are happening or taking shape in the different levels of the civil society such as the NGOs activities (which are now encouraged by the Ministry of Interior), Parliament activities for promoting human rights and establishing of expertise commission for reviewing the violations of human rights, as well as certain legal reforms. The ODVV believes that the women's active participation should be encouraged in the economic and political development of the country; legal reforms in the judiciary should be continued on a bigger scale; the implementation of the Constitution should be at the top priority

of the government (at executive, legislative and judicial levels) and freedom of expression and press should be respected and fully realized.



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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

Item 9 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

Written statement* submitted by the Organization for Defending Victims of Violence
(ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

The situation of human rights in the Islamic Republic of Iran from the NGOs' perspective.

1- The Organization for Defending Victims of Violence (ODVV), in an unprecedented initiative, invited other active non-governmental organizations in human rights issues to cooperate for holding a conference on human rights day (10 December 2001) in Tehran. This invitation was highly welcomed and after a series of expert meetings, for the first time, the event was held in Tehran on 10 December that brought great achievements. The report of the Conference has been prepared by the public relations department of the ODVV.

2- To hold this conference in a scientific way based on the human rights standards, nine working groups were organized on women's rights, children's rights, refugees' rights, youth issues, right to development, violence against women, minorities' rights, disabled people and equal opportunities, drug trafficking and its effects on the enjoyment of human rights. All the efforts of the non-governmental organizations were focused on drafting a statement on the situation of human rights in Iran. Due to the importance of this statement, its complete text has been included here. We hope that the members of the Commission on Human Rights pay due attention to this statement.

In the name of the God that created mankind equal

Today, while history has taught the peoples of the world that bloody wars, political violence, poverty, ignorance and illiteracy, racial, ethnic, religious and gender discriminations have all started because of the denial of human dignity, human rights have been emphasized as a most fundamental principle for justice, development and peace.

Today human rights are recognized as the result of years of painful attempts of peoples to achieve security and sustainable development. It's a precious legacy, which calls for all governments to recognize the equal and inherent dignity of their citizens and urges them to refrain from oppression and discriminatory acts.

The adoption of the Universal Declaration of Human Rights instituted permanent ideals for a fairer world and today in the 53rd year of the ratification of this worldwide declaration, the representatives of Iranian civil society, non-governmental organizations, experts and all those who are concerned about discrimination, and who think of the paramount objective for the recognition of fundamental freedoms of all mankind, have come together to commemorate and remember years of human pain and suffering and with an obligation to the spirit of the Declaration, emphasize on the following points:

- While believing in the fundamental principles of human rights, we emphasize that all human rights are universal, indivisible and interdependent and interrelated no individual or authority has the right to divide and select these rights. We also declare that no kind of discrimination or supremacy can be imposed on human rights. A human being has the same equal rights to political and civil rights as to cultural, social and economic rights.

- While believing in the equality of every human being with regards to his or her rights, we declare that every individual has the right to live in freedom and dignity and governments must safeguard people's rights and dignity regardless of their skin color, opinion and sex.

- With an emphasis on the Convention on the Rights of the Child (CRC), which is the result of years of painstaking efforts of governments, NGOs, law makers, religious leaders and the human rights defenders all over the world, we expect the government of the Islamic Republic of Iran with attention to its right to reservation, clearly declare the conflicting articles with the Constitution and prepare the groundwork for its implementation. Also the protection and promotion of children's fundamental rights requires for adoption of a special law regarding children's crimes, its prosecution and punishments.

- Believing that the youth are a great treasure trove of the process of social life and noting that over 60% of the population of the country are the young people, we insist on having education rights, employment rights, the right to have an opinion and on social and cultural status. We also stress that sustainable development cannot be accomplished if the significant role of the youth and their political needs and their fundamental role in policymaking and governmental activities are not recognized.

- Stressing that the human rights of women and girls is an inseparable and unstoppable part of general human rights believe that if the human rights of half of the population of the world can be violated and denied then the rights of the other half of the population will deteriorate. We also stress that the inborn development of humanity stresses on the eradication of gender discrimination.

- Emphasizing that the fundamental rights of all refugees regardless of their nationality, race, gender, religion and color of skin, we believe that despite existing problems there should be conditions so that the formal refugees residing in the Islamic Republic of Iran can enjoy all their human rights, in particular the right to legal and honest employment, health and education, and all forms of legal protection and support. Also, since the host countries are not bound to provide all facilities, we request for the aid of the international community for meeting refugees' needs.

- Finally, believing that all humans are born with equal rights and humanity is the criterion for having such rights, we declare that the rights of every single individual, minorities and social groups as clearly stated in the Islamic Republic's Constitution, be officially recognized.
Therefore:

I) In accordance to Article 20 of the Universal Declaration of Human Rights that stipulates the right to form peaceful groups and institutions, and Article 26, which calls this as part of the rights of a nation, we call governments to facilitate the activities of volunteer social groups and to adopt the necessary laws for the registration of non-governmental and voluntary and popular organizations.

II) In accordance to Articles 18 and 19 of the Universal Declaration of Human Rights and Articles 23 and 24 of the Constitution which stipulate on the freedom of opinion, this freedom is the right of humanity and the press and publications are free to express their opinions, we call for the Islamic Parliament to codify and ratify political crimes and press laws.

III) As the creation of the human rights culture needs the active participation of people all over the world, civil bodies such as NGOs can be very important means in the defense and promotion of human rights. Based on this necessity we declare that the network of human rights NGOs in pursuit of this important realization shall be established and shall operate in a non-political and unbiased way.

Organization for Defending Victims of Violence, Institute for Women's Studies and Research, Society for Protection of Handicapped Children and Youth, Society for Protection and Assistance to Sociologic Disadvantaged Individuals, Society for Supporting Human Rights of Women, Society of Young Translators and Researchers, Society for Protection of the Rights of the Blind, International Institute of Green Pad, Association of Family Health and Education Promotion, Center for Culture and Development, Human Rights Monitor



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RIGHTS OF THE CHILD

Written statement* submitted by the Organization for Defending Victims of Violence
(ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

1- The Child Rights Committee of the Organization for Defending Victims of Violence feels responsible towards all the children of the world and would like to draw out the attention of the following points to the Commission on Human Rights:

2 - The Child Rights Committee of the Organization for Defending Victims of Violence welcomes the implementation of the two Protocols of the Convention on the Rights of the Child, and requests the United Nations Rights of the Child Committee to create appropriate processes for the states' reports under these two protocols. We also ask all those governments who have not ratified the two protocols to do so as soon as possible, thus showing their commitment for the fate of the children of their countries. It is a great duty to protect children in armed conflicts and the preservation of the dignity of those who have been subjected to sexual exploitations, pornography, sale of the children, are all a holy duty. The Child Rights Committee of the Organization for Defending Victims of Violence held a ceremony of Children Victims of Violence on the occasion of the International Day of Innocent Children Victims of Aggression (4 June), and condemned all forms of child abuse in armed conflict and asked governments to join the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and take necessary measures in putting an end to using children in armed conflict.

3 - In 2001 on the anniversary of the ratification of the Convention on the Rights of the Child, the Child Rights Committee of the Organization for Defending Victims of Violence, held a ceremony with the attendance of the NGOs, experts, lecturers and the UNICEF representatives in Tehran. The importance of this ceremony was in the ways children's issues, education, the implementation of the Convention on the Rights of the Child and the Afghan refugees' issues, were all discussed to find ways of improvement to these problems. NGOs play a key central role in the encouragement of all, especially governments, to commit and observe the improvements to children's rights. It's with this spirit that we endear those groups of the society who campaign for children's rights. In this very valuable opportunity we remembered the recommendations of the United Nations Child Rights Committee to the Islamic Republic of Iran when studying the periodical report of Iran.

4 - On the anniversary of the International Human Rights Day the Child Rights Committee of the Organization for Defending Victims as a specific coordinator of Children's Rights and with the participation of NGOs active on children's issues discussed and studied various children's issues and problems the Rights of the Child in particular. The results of these discussions were put together as a statement. Here is a summary of the statement:

- With attention to the reservation of the government of the Islamic Republic of Iran, the government is obliged to clearly determine and point out the contradictory articles of the Convention on the Rights of the Child and to prepare the basis for the implementation of the articles;
- The protection of the fundamental rights of children requires for a special law to be codified and ratified for children and an explanation of the crimes, method of prosecution and appropriate punishments;
- The government is duty bound to define the legal age of the child and inform the general public;
- The presentation of reports and surveys to NGOs from the government;
- Compulsory education of the Convention on the Rights of the Child to civil servants, and private companies;

- Setting up of an organization made up of at least 10 NGOs for handling and examination of cases of violations of the rights of the child in the country;
- Teaching life skills to children from the early stages of school;
- Ratification for teaching the Convention to the Rights of the Child to children at school;
- Teaching training and psychological skills and the Convention on the Rights of the Child to teachers and the trainers of the Society of Correction and Civility;
- Setting up of a special committee for girls for handling girls' problems and difficulties;
- Setting up of a work group to handle children's problems at school;
- Setting up of a work group to handle parents' complaints about education and training;
- Giving more freedom to NGOs for more cooperation with schools and education and training.

5 - The NGOs active in children's rights (and among them the Child Rights Committee of the Organization for Defending Victims) have made attempts to set up a Council of Promotion of Culture of Peace Among Children. This Council, with the motto of "peace should be trained from the early childhood", believes that the culture of peace needs a national mobilization and all the NGOs and the governmental departments as well as the international organization by learning the culture of their own countries, and by collection of global best practices, try to educate the families. We must put aside violence as a solution and train children the peaceful methods of resolutions. As the first measures of this Council, was the holding of a seminar on "children, peace and toys" in which the participants condemned and boycotted the violent toys; in this seminar the effects of violence in media was studied. The Council of Promotion of Culture of Peace Among Children held many sessions with the senior managers of the NGOs and collected suggestions and project proposals for organization of the work of the Council, to promote the culture of peace for the next Iranian year (which starts in March 2002). In the viewpoint of the Organization for Defending Victims of Violence (ODVV) and its Child Rights Committee, the establishment of this Council should be considered as a "best practice" and requests the special representative of the Commission on Human Rights with regards to the rights of the child and the promotion of a peace culture to remember the organizations activities.

6- The holding of the Second World Congress on the Commercial Sexual Exploitation of Children in Yokohama, Japan in December 2001 has a special significance. Once again in this conference governments were promised to pursue the Stockholm Action Plan. However, the important point of the congress was the emphasis given to the role of the private sector in the prevention and fight against sexual exploitation of children. We must not forget that the private sector is one of the partners in the fight against commercial sexual exploitation of children. This is a very significant point, because without the cooperation of the private sector the multilateral fight against commercial sexual exploitation of children would not be possible. The Child Rights Committee of the Organization for Defending Victims of Violence firmly believes that special mechanisms should be facilitated in the United Nations to increase the participation of the private sector for supporting children's human rights.



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Item 8 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE
OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE.**

Written statement* submitted by the Organization for Defending Victims of Violence
(ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).



GE. * 2 0 0 2 0 1 0 5 8 3 *

ENG

1 – For over half a century the most amazing and extensive form of violation of human rights, oppression and occupation of Palestine is being carried out by Israel. By implementing the most inhuman methods, Israel has abused the fundamental human rights of the Palestinian people. Although 2001 was named the “Year of Dialogue Among Civilizations”, but still in the occupied territories, Israel is continuing its racist treatment towards the Palestinians. The continued ignorance of the Zionists’ anti-human rights treatment of the Palestinians has made them even more daring to escalate and continue their treatments. This policy has intensified since the incidents of 28 September 2000, and in particular after Ariel Sharron becoming the prime minister.

2 – Between September 29 and October 31, 2000, 747 Palestinians have been killed, 163 of which are children under the age of 18. 85 children were killed in the West Bank and 78 were killed in the Gaza Strip, and a total of more than 20,000 Palestinians were injured during this period. These facts and figures show that the occupied territories have been subjected to a wave of murder and violent attacks on the Palestinians by Israel in the past year. This kind of violence is unprecedented in the 54 years of the existence of Israel. Investigations show that in the past year the Israeli forces fire shots that are targeted at upper side of the bodies of the Palestinians. The exact percentages of the injuries inflicted upon the Palestinians is as follows: 17.1% head injuries, 3.1% eye injuries, 1.2% neck injuries, 3.9% chest injuries, 2.7% abdomen injuries, 2.7% back injuries, 16% upper ext. injuries, 18.1% lower ext. injuries, 8.5% injuries due to gas inhale, 18.3% other areas in the bodies, 4.9% multiple injuries, 0.8% assault and battery, 0.7% pelvic injuries and 2% psychological injuries. These are the figures for the injuries or death inflicted on the Palestinian population. This is a direct violation of Article 3 of the Universal Declaration of Human Rights, which states, “everyone has a right to life, liberty and security of person”.

3 – From the beginning of the troubles in the occupied territories that became known as the Al-Aqsa Intifada, Israel has treated it as a war and is resisting the Palestinians with all her military might and force by using tear gas, plastic bullets, live ammunition, chemical bullets, depleted uranium, tanks and machine guns to thwart demonstrations and protests. On top of this the areas inhabited by the Palestinians is not spared by the onslaught of the Israeli fighting machinery, and the residential areas of the Palestinians are constantly hit by Israeli missiles, and even sometimes LAV missiles have been launched too. Article 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the 8th United Nations Congress on Prevention of Crime and the Treatment of Offenders in Havana, Cuba 27 August to 7 September 1990 which states: “Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”

4 – In some instances, the Israeli and the Palestinian security forces have prevented ambulances and medical help from reaching the injured and are even sometimes themselves fired upon. The Israeli security forces even target those who are trying to help evacuate the injured. Bessam Al-Belfelyassi, a Red Crescent ambulance driver who was trying to save the life of Mohammed Al-Doreh was shot in the chest in his ambulance at the Netzarim junction in the Gaza strip and died because of his injuries. On top of all this Israel prevents humanitarian aid such as food, medicine and clothes from reaching the Palestinians. There are ambulances sent from Saudi Arabia, which the Israelis refuse to let into the occupied territories. These kinds of behaviours are a clear violation of the non-military people’s rights and the disregard of the Fourth Geneva Convention and its related protocols.

5 – Other forms of the violation of human rights in the occupied territories are the various racial discrimination behaviours inflicted on the Palestinians. The Zionist authorities, from the founding of the state of Israel (1948) until the end of 2001 in ideology and their Constitution have done all they can with their racist behaviours to force the Palestinians to leave the occupied territories. In other words to fulfil their ideals of the cleansing of the land for the settlers in the so-called “Promised Land”, as it was revealed in the Durban Conference Against Racism in September 2001, in South Africa. The holding of this conference shows the determination of the international community in eradicating all forms of racial discrimination from the planet. The plight of the Palestinian people has been reflected in the text of the final declaration of the conference.

6 – The wave of violence and murder that took place in the occupied territories in 2001 is a clear violation of UN Resolutions 242 and 338, the Fourth Geneva Convention, the United Nations Charter, the International Covenant of Economic, Social and Cultural Rights, the International Covenant of Civil and Political Rights, the Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Rights of the Child and other international treaties. In the period of time since the Al-Aqsa Intifada international organizations and NGOs have issued several declarations and resolutions such as: Resolution 1322 of the UN Security Council (7 October 2000), the International Committee of Jurists (4-8 October 2000), Human Rights Watch (4-11 October 2000), the UN Commission on Human Rights (7-13 November 2001), 10th Emergency Session of the UN General Assembly (20 October 2000). They have all been united with one demand, that war and conflict be immediately put to an end, however the flames of war and conflict are still continuing unabated.

7 – As an NGO active in human rights issues, the Organization for Defending Victims of Violence condemns the killings and atrocities committed in the occupied territories, and taking the Palestinians’ rights into consideration, urgently request for an end to the conflict as soon as possible.



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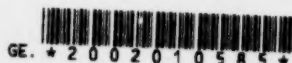
**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
TORTURE AND DETENTION**

Written statement* submitted by the Organization for Defending Victims of Violence
(ODVV), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
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GE. * 2002010585 *

ENG

1- During the year 2001, the Organization for Defending Victims of Violence (ODVV) has received many reports regarding the situation of prisons and prisoners in the world. In this statement, we would like to draw the attention of the Commission on Human Rights to the following points

2- In Turkey, during the year 2001, most of the reported cases refer to the situation of prisons, the poor medical care in the prisons or holding many prisoners in a small cell or dormitories. The European Commission also in its regular report refers to torture and ill-treatment in police custody. According to this report there are some documents and evidence that show positive steps in improving laws in Turkey. However, some other cases show that the Turkish government does not have a good record regarding its actions. There are many violations of laws in Turkey, such as the existence of solitary confinements. The Organization for Defending Victims of Violence (ODVV) expresses its serious concern of Turkish prisoners' conditions in accordance to Article 10 of International Covenant on Civil and Political Rights and requests the Turkish government to take the necessary steps for improvement of the living conditions of inmates and the structures of the prisons, and guarantee the legal protection of prisoners.

3- Regarding the prison conditions in the United States, prisons remained overcrowded. Twenty-two states and the Federal prison system operated at 100 percent or full capacity. Overcrowding contributed to the growth of private prisons: according to the Department of Justice privately-operated facilities held 5.5 percent of all state prisoners and 2.5 percent of federal prisoners. Over 20,000 prisoners were confined in special super-maximum security facilities. They typically spent all their waking and sleeping hours locked alone or with a cellmate in small, sometimes windowless cells. A fourteen-month long Department of Justice investigation of conditions at Nassau County Jail resulted in a scathing report released in September. The report said the jail had an "institutional culture that supports and promotes abuses". The documented abuses included brutal beatings by officers and officers paying inmates to beat other inmates, especially targeting sex offenders.

4- According to an Amnesty International report about prison conditions in Italy, tension was high in prisons and detention centres for aliens with frequent and widespread protest prompted largely by unsatisfactory conditions, in some instances amounting to cruel, inhuman and degrading treatment. Severe overcrowding persisted, together with reports of inadequate medical assistance, poor sanitation and other connected problems, including high rates of suicide, attempted suicide and self-inflicted injuries.

5- Also, in Greece, there were further allegations of ill treatment by law enforcement officials. Many reports involved beatings by police officers at the time of arrest. There were also reports of ill treatment of asylum seekers during forced deportation. Despite repeated appeals, the authorities failed to investigate adequately allegations of ill treatment of Roma by police or bring those responsible to justice. It seems that impunity for past human rights violations has remained a concern.



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THE RIGHT TO DEVELOPMENT

Written statement* submitted by the International Federation of Rural Adult Catholic
Movement (FIMARC), a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[16 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).



GE. * 2 0 0 2 0 1 0 6 6 7 *

ENG

The Right to Development implies food sovereignty

The concept of food sovereignty is especially important in the current context of globalization, essentially characterized by a maximum level of freedom in exchanges and a growing dependence on a global and deregulated market.

If food security, according to FAO's definition, aims at ensuring "the access for all and at any time to food resources to live a healthy and active life", food sovereignty aims in priority at ensuring to the people of a given country the right to live from their own agriculture and to consume products that match their food habits and culture.

Consequently, it is necessary to differentiate the nature and scope of both concepts. Faced with the urgency to realize the Right to Development, those two concepts do not commit the same way with the same strength the future and responsibilities of the people involved. When the right of people to define their own food and agricultural policies is recognized and when the diversity of food production modes is respected, food sovereignty begins to become an effective right.

Every year, the resolutions on the Right to Development, adopted by the Human Right Commission, reassert tirelessly the importance for all human beings and all the peoples of all countries, especially those of developing countries, of the Right to development. Peasants organizations and the rural movements of the FIMARC totally support the words of the Declaration on the Right to Development, which recognizes that "human being is the central subject of the development process and, consequently, should be considered as the main participant and end-user of the process by all development policies."

The movements of the FIMARC believe that what is good for a human being at individual level must also serve as a reference for any community, population or nation. Consequently, they want to underline the collective dimension of the Right to Development and the need for a real people participation as an essential element of a successful and sustainable development. Thus, they support all initiatives aiming at popularizing the concept of food sovereignty so that it can be the basis of all agricultural policies and so that it becomes a constitutive element of all development processes. All countries and regions of the world have to define their own agricultural policies and it cannot be done by a trade organization such as the WTO. The States and their governments have to define their agricultural policies and it cannot be done by the actors of the market.

A seminar in Thailand

In October 2001, the FIMARC organized a seminar with delegates from Latin America, Africa, Europe and Asia. It was held in Chiang Mai (Thailand). The objective was to better understand the point of view of autochthonous people on food sovereignty. After meeting with Indigenous people in various regions of Northern Thailand, the delegates worked with experts to deepen their analysis of the different situations and to immerse themselves in the values, culture and ways of thinking of those Indigenous people.

They noticed that the "green revolution" and the so-called modern agriculture contributed to the marginalization of the poorest farmers and, despite the growth in agricultural production, did not meet the needs for food of the whole population. Thus, the obvious priority for farmers is to make more efforts to have food sovereignty.

Defending food sovereignty means:

- ensuring to populations the freedom of producing what they want;
- ensuring the control over their seeds and know-how;
- making sure that communities can control natural resources such as the soil, water and woods, which are no longer mere possession objects or market values but natural goods that all communities should enjoy freely;
- ensuring a processing and marketing system in order to meet the needs of the whole population, respecting nature and natural resources.

The ruling system is a factor of death

That is why we do not accept:

- the introduction of GMOs in agriculture and genetic manipulations of living bodies;
- patents on living bodies because they lead to the private appropriation of living forms and traditional know-how;
- the use of chemical fertilizers and pesticides, which pollute the soil, water and the air, as well as the use of hormones, animal waste and chemical products integrated in food for men and animals;
- the control of some transnational companies over the ancestral knowledge of autochthonous people, over the diversity of their seeds and medicinal plants.

We denounce the damage of the liberalized market, imposed by international structures like the WTO and we are in favor of a fair trade that respects the needs and aspirations of all communities. We also denounce the neo-liberal and capitalist system, characterized by logics of death and we want to resist individualism that is opposed to community rights and values of Indigenous people.

For another perspective of development

The concerns of Indigenous communities raise questions on development models and their impacts on the environment, on human rights and on the survival of the cultural traditions that condition the future survival of mankind and basic human rights.

In the name of development and "modernization", according to some people, Indigenous communities should abandon their rich social and cultural traditions, their wisdom and traditional knowledge in order to adopt the ruling cultural traditions. Nevertheless, those communities have already been able to evaluate the non-reversible damage that modernity caused to their traditional societies by imposing as a new need a kind of excessive consumption, bringing to the same level a cultural diversity that was their richness, favoring individualistic and profit-oriented attitudes that destroy natural resources and jobs and disintegrate the structure of communities.

Another concept of development is rooted in a community perspective with an exchange of local knowledge and past wisdom. It comes within the frame of a holistic dimension in which values are lived and integrated in all the aspects of life. This way, the will to promote food sovereignty allows meeting the needs of all, respecting culture and in harmony with nature. It gives back their whole dignity to human beings, respecting their values, in the production of quality food and respecting their work.

Breaking with the ruling vision of development does not mean going back with nostalgia to a past that is definitively over. On the contrary, it means opening to a dynamic future that generates life: local knowledge is valued, communities regain their confidence in their own abilities and commit to a sustainable and solidarity development.

A deep change is possible

The current system is mankind's road to ruin. The events of 11 September 2001 and the actions it generated, as well as the thousands of children that die everyday of malnutrition, the diseases caused by the decrease in food quality clearly prove it.

The movements of the FIMARC believe that a deep change is possible. They invite all the people that share the same conviction to operate a total conversion in order to give up a capitalist economy and turn to a social and solidarity economy in which "human beings will be the central subjects of the development process" (Article 2 of the Declaration on the Right to Development).



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Item 11 (c) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION
OF FREEDOM OF EXPRESSION**

Written statement* submitted by International PEN, a non-governmental
organization on the Roster

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[16 January 2002]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).



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International PEN, the world association of writers representing members in 94 countries, has central to its mandate the promotion of the right to freedom of expression, which it sees as essential to the advancement of understanding between nations and cultures, and thus towards international peace and stability. Its Writers in Prison Committee has for over 21 years monitored attacks against writers and journalists for the practice of this right, and has on its records over 700 recorded instances of killings, arrests, imprisonment, physical attack, and court proceedings in the past 12 months. International PEN thus welcomes the recognition the United Nations Commission on Human Rights has given to the importance of this right, and in particular to the work and commitment of the UN's Special Rapporteur on Freedom of Expression, Mr Abid Hussain.

When PEN's Writers in Prison Committee came into being in 1961, the bulk of attacks against writers who spoke out against the authorities took the form of long-term prison sentences. In the past decade, PEN has noticed a shift in the pattern of abuse. While the numbers of cases it has on its records has increased, those who are serving long sentences has declined in all but a few countries. This development is welcomed, but is offset by the growing use of court orders and non-custodial sentences such as fines or suspended prison terms. In many countries, outspoken writers and journalists find themselves entangled in lengthy court proceedings, sometimes taking many months or even years, and which take a heavy personal and financial toll. This can have as depressing an effect on the state of free expression as apparently more harsh forms of repression.

Criminal defamation laws are one of the most widely applied legislative means of bringing critics of authority to account. Leading government officials, even heads of state, in many countries resort to the courts to prosecute those who criticise them. The

Special Rapporteur on Freedom of Expression raised this issue in his recent reports to the Commission (E/CN.4/2000/63 and E/CN.4/2001/64) in which he referred to the "chilling effect" that defamation laws have on free expression. PEN commends Mr Hussain on his recommendations that all criminal defamation and libel laws be repealed in favour of civil laws, and that government officials and bodies be discouraged from bringing defamation cases as a means to silence their critics. However, PEN is sad to report that this practice has continued in the past year and highlights some notable examples.

In **Zimbabwe**, 2001 saw a continuation of the generalised harassment of the independent media. This has included serial defamation charges brought against leading independent journalists, as well as the destruction of the Daily News printing presses; and physical assaults on and death threats issued against journalists. The repression of the independent media has now been given a spurious legal sheen with the unconstitutional railroading through parliament in January 2002 of several draconian bills, two of which seek directly to muzzle voices critical of the government. The Public Order and Security Bill makes it a criminal offence to publish or communicate false statements prejudicial to the state, or to make public statements "undermining the authority of or insulting" the President. Since the bill provides that those in power may decide when they have been insulted or when the state has been maligned, practically any article written by a journalist could conceivably be deemed to be contrary to the provisions of the bill and earn the author a fine or up to five years' imprisonment. The bill also grants the authorities wide-ranging powers to "protect public order and security and to deal with acts of insurgency, banditry, sabotage, terrorism, treason and subversion". Those found guilty of transgressing this law, or who are even suspected of having done so, face possible life imprisonment or even the death sentence.

Turkey has the highest numbers of court cases initiated against writers and journalists on PEN's records. PEN was alarmed to note the Turkish International Association of Human

Rights (IHD) reported that in the first half of 2001, over 1,500 individuals were before the courts for their writings or publications. Many of these cases are of writers and journalists accused under Article 159 of the Criminal Code that penalises writings seen to "insult" the military, the state, parliament and even the judiciary itself. In all cases the authors of the "offending" articles had simply practised their right to criticise and comment on what they see as the shortcomings of these various institutions. Whatever the legitimacy of the authors' comments, it is quite apparent that in Turkey, criminal libel laws are being used to stifle criticism of state policy. In the vast majority of cases, the defendants are acquitted after lengthy trials, or sentenced to suspended prison terms or fines. Imprisonment is rarely applied. However, the drawn-out judicial process, usually taking several months and in some cases years, serves as an effective means of discouraging others, while at the same time less likely to draw international condemnation.

Independent journalists in **Belarus** face a daily battle to provide an alternative voice to that of the State's, and their plight has been high on International PEN's agenda for a number of years. Here too criminal libel laws are used to quell dissent. One of the most recent cases concerns the closure of the independent newspaper *Pahonia* in November 2001, and the charges brought against two of its staff who face trial on charges of "insulting the honour and dignity" of the President of Belarus in articles published in the paper. If found guilty, the journalists could be imprisoned for up to five years.

Insult to the state and its institutions is also one of the charges that has led **Iranian** writers and intellectuals before the courts. Over 20 writers and intellectuals are currently in prison or on trial for their writings or for their association with "dissident" organisations. These are charges that PEN considers to be in direct contravention of their right to freedom of expression and association. Five of the writers currently detained or on trial are specifically charged with "insult" either to the Islamic State of Iran or towards government officials. The 1985 Press Law enables the Ministry of Information to detain writers and close down publications that are deemed to have insulted the Leader of the Islamic Republic or state bodies.

Other countries where PEN has raised its concerns about the use of criminal defamation laws in the past year include: **Algeria, Armenia, Azerbaijan, Chad, Chile, Democratic Republic of Congo, Ecuador, Ethiopia, Guatemala, Kazakhstan, Mexico, Morocco, Nigeria, Slovakia, Sri Lanka, Sudan, Tonga, Tunisia, Ukraine, Uzbekistan, Yemen, Yugoslavia, and Zambia**. The number and range of countries that have prosecuted writers and journalists under criminal defamation legislation is a mark of how widespread the practice is.

International PEN welcomes this opportunity to once again raise with the United Nations Commission its concern about the widespread use of criminal defamation prosecutions as a means to stifle dissent, a direct contravention of Article 19 of the Universal Declaration on Human Rights. It supports the UN Special Rapporteur on Freedom of Expression's recommendations that criminal defamation laws be repealed as a means the significant world-wide improvement of the right to freedom of expression, as guaranteed under Article 19 of the Universal Declaration of Human Rights.
